

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1774

Introduced by Senator Torlakson

February 24, 2006

~~An act to add Section 101037 to the Health and Safety Code, relating to public health. An act to amend Sections 8483.5 and 8483.6 of the Education Code, relating to education funding, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1774, as amended, Torlakson. ~~Public health: county health officers. Before and after school programs: appropriations.~~

Existing law, the After School Education and Safety Program Act of 2002, an initiative statute, provides, commencing with the fiscal year beginning July 1, 2004, and for each fiscal year thereafter, for the continuous appropriation of an amount not to exceed \$550,000,000 from the General Fund to the State Department of Education for the After School Education and Safety Program, as specified. Existing law provides that in any fiscal year commencing with the fiscal year beginning July 1, 2004, that portion of that continuous appropriation which is in excess of the amount appropriated for that program for the immediately preceding fiscal year may not be appropriated until the Legislature has appropriated sums sufficient to fully fund the requirements of Sections 8 and 8.5 of Article XVI of the California Constitution for that year and shall be appropriated in addition to the sums required by, and shall not be considered towards fulfilling the funding requirements of, Sections 8 and 8.5 of Article XVI of the California Constitution for that fiscal year. The existing act prohibits the amendment of those provisions by the Legislature.

This bill would instead commence the existing continuous appropriation described in the paragraph above in the 2011–12 fiscal year beginning July 1, 2011. The bill would appropriate specified amounts from the General Fund to the State Department of Education for the After School Education and Safety Program in the 3-year period prior to the commencement of the continuous appropriation, including \$275,000,000 in the 2007–08 fiscal year; \$350,000,000 in the 2008–09 fiscal year; and \$450,000,000 in the 2009–10 fiscal year. The bill would, notwithstanding specified authority, revert any portion of the appropriation made for purposes of the After School Education and Safety Program in the 2006–07 fiscal year in excess of \$200,000,000 that is unencumbered as of November 7, 2006, to the General Fund. The bill would, pursuant to specified authority, revert to the General Fund the portion of the appropriation made in any fiscal year commencing with the 2007–08 fiscal year for purposes of the program that remains unencumbered at the end of a period of three years after the date upon which the funds first became available for encumbrance. The bill would allow the Legislature to appropriate an amount of General Fund money that is less than the amount of the appropriation made for purposes of the program, commencing with the appropriation in the 2007–08 fiscal year, by a statute that is passed by a $\frac{2}{3}$ vote of each house of the Legislature. The bill would provide that in any fiscal year commencing with the 2006–07 fiscal year, that portion of any appropriation made for purposes of the program which is in excess of the amount appropriated for the program described above for the immediately preceding fiscal year may not be appropriated until the Legislature has appropriated sums sufficient to fully fund the requirements of Sections 8 and 8.5 of Article XVI of the California Constitution for that fiscal year and shall be appropriated in addition to the sums required by, and shall not be considered towards fulfilling the funding requirements of, Sections 8 and 8.5 of Article XVI of the California Constitution for that fiscal year.

This bill would make other technical and conforming changes to existing law consistent with those provisions.

This bill would require the Secretary of State to submit its provisions to the voters at the November 7, 2006, statewide general election.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law authorizes the county health officer to take various measures that may be necessary to protect and preserve the public health from any public health hazard, as specified.~~

~~This bill would authorize a county health officer to enter into, and sign a memorandum of understanding with, any other public agency that has responsibility for regulating water quality and wastewater treatment to obtain laboratory services relating to public health from that public agency.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~
yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8483.5 of the Education Code is
2 amended to read:
3 8483.5. (a) ~~It is the intent of the Legislature that a minimum~~
4 ~~of eighty-five million dollars (\$85,000,000) be appropriated for~~
5 ~~the program established pursuant to this article, through the~~
6 ~~annual Budget Act. Of the funds appropriated for the program,~~
7 ~~current grant recipients have priority for receiving continued~~
8 ~~funding for the same purposes for which they previously received~~
9 ~~an award. This subdivision shall be in effect only until June 30,~~
10 ~~2004. Notwithstanding Section 16304 of the Government Code,~~
11 ~~any portion of the appropriation made for purposes of the~~
12 ~~program established pursuant to this article in the fiscal year~~
13 ~~beginning July 1, 2006, in excess of two hundred million dollars~~
14 ~~(\$200,000,000) that is unencumbered as of November 7, 2006,~~
15 ~~shall revert to the General Fund.~~
16 (b) *In the fiscal year beginning July 1, 2007, two hundred*
17 *seventy-five million dollars (\$275,000,000) is hereby*
18 *appropriated from the General Fund to the department for the*
19 *program established pursuant to this article.*
20 ~~(b)~~
21 (c) *In the fiscal year beginning July 1, 2008, three hundred*
22 *fifty million dollars (\$350,000,000) is hereby appropriated from*
23 *the General Fund to the department for the program established*
24 *pursuant to this article.*
25 (d) *In the fiscal year beginning July 1, 2009, four hundred fifty*
26 *million dollars (\$450,000,000) is hereby appropriated from the*

1 *General Fund to the department for the program established*
2 *pursuant to this article.*

3 (e) Commencing with the fiscal year beginning July 1, ~~2004~~
4 ~~2010~~, and for each fiscal year thereafter, there ~~shall be~~ *is hereby*
5 continuously appropriated to the ~~State Department of Education~~
6 *department* from the General Fund for the program established
7 pursuant to this article an amount not to exceed five hundred fifty
8 million dollars (\$550,000,000) that is the greater of (1) an
9 amount equal to the appropriation from the General Fund for the
10 program established pursuant to this article for the immediately
11 preceding fiscal year, or (2) an amount equal to the sum of (A)
12 the appropriation from the General Fund for the program
13 established pursuant to this article for ~~fiscal year 2003-04~~ *the*
14 ~~2009-10 fiscal year~~, pursuant to subdivision (d), and (B) the
15 amount by which the state's non-guaranteed General Fund
16 appropriations for the current fiscal year exceed the sum of (i) the
17 amount of the state's non-guaranteed General Fund
18 appropriations for the base year plus (ii) one billion five hundred
19 million dollars (\$1,500,000,000). ~~Nothing in this~~ *This section*
20 ~~prohibits~~ *does not prohibit* the Legislature from appropriating
21 funds for the program established pursuant to this article in
22 excess of this continuous appropriation.

23 ~~(e)-~~

24 (f) *The appropriation made in any fiscal year commencing*
25 *with the fiscal year beginning July 1, 2007 for purposes of the*
26 *program established pursuant to this article shall remain*
27 *available for encumbrance as specified in Section 16304 of the*
28 *Government Code.*

29 (g) For purposes of this section, the term "state's
30 non-guaranteed General Fund appropriations" shall mean those
31 General Fund appropriations of the state in a fiscal year other
32 than those appropriations guaranteed to be applied by the state
33 for the support of school districts and community college districts
34 pursuant to Sections 8 and 8.5 of Article XVI of the California
35 Constitution. For purposes of this section, the "base year" is the
36 fiscal year during the period July 1, ~~2000~~ *2006* through June 30,
37 ~~2004~~ *2010* for which the state's non-guaranteed General Fund
38 appropriations *of the state* are the highest as compared to any
39 other fiscal year during ~~such~~ *that* period.

40 ~~(d)-~~

(h) Notwithstanding ~~subdivision (b)~~ subdivisions (b) to (e), inclusive, in any fiscal year in which the Legislature has legal authority pursuant to paragraph (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution to reduce the moneys applied by the state for the support of school districts and community college districts for the current fiscal year as compared to the moneys applied by the state for the support of school districts and community colleges during the immediately preceding fiscal year, the *appropriation made by subdivision (b), (c), or (d), or the continuous appropriation pursuant to made by subdivision (b) (e)*, shall be reduced for that fiscal year by the same percentage by which the moneys applied by the state for the support of school districts and community college districts in the current fiscal year is less than the moneys applied by the state for the support of school districts and community college districts during the immediately preceding fiscal year.

(i) *Notwithstanding subdivisions (b) to (e), inclusive, the Legislature may appropriate an amount of General Fund money that is less than the amount of the appropriation made by subdivision (b), (c), or (d), or the continuous appropriation made by subdivision (e), in any fiscal year, by a statute that is passed by a two-thirds vote of each house of the Legislature.*

~~(e)~~
(j) All funds expended pursuant to this article shall be used only for the purposes expressed in this article. Except for funds expended pursuant to subdivision (b) of Section 8482.55, all funds expended pursuant to this article shall be used to supplement and not supplant existing levels of service.

SEC. 2. *Section 8483.6 of the Education Code is amended to read:*

8483.6. Notwithstanding subdivision (f) of Section 41202, in any fiscal year commencing with the fiscal year beginning July 1, ~~2004~~ 2006, that portion of any ~~continuous~~ appropriation made by Section 8483.5 for the program established pursuant to this article which is in excess of the amount appropriated for the program established pursuant to this article for the immediately preceding fiscal year shall not be appropriated until the Legislature has appropriated sums sufficient to fully fund the requirements of Sections 8 and 8.5 of Article XVI of the California Constitution for that year and shall be appropriated in

1 addition to the sums required by, and shall not be considered
2 towards fulfilling the funding requirements of, Sections 8 and 8.5
3 of Article XVI of the California Constitution for that fiscal year.

4 *SEC. 3. The Secretary of State shall submit Sections 1 and 2*
5 *of this act to the voters at the November 7, 2006, statewide*
6 *general election.*

7 *SEC. 4. This act is an urgency statute necessary for the*
8 *immediate preservation of the public peace, health, or safety*
9 *within the meaning of Article IV of the Constitution and shall go*
10 *into immediate effect. The facts constituting the necessity are:*

11 *In order to ensure the fiscal integrity of the State of California*
12 *by submitting the provisions of this act to the voters at the*
13 *November 7, 2006 statewide general election, it is necessary that*
14 *this act take effect immediately.*

15 ~~SECTION 1. The Legislature finds and declares both of the~~
16 ~~following:~~

17 ~~(a) Existing local public health laboratories are understaffed~~
18 ~~and in need of modernization. A lack of adequate resources has~~
19 ~~resulted in a public health laboratory system that is ill prepared to~~
20 ~~meet the increasing demands of today's public health concerns~~
21 ~~such as West Nile virus, avian influenza, and threats of~~
22 ~~bioterrorism.~~

23 ~~(b) Finding and creating partnership opportunities between~~
24 ~~counties and other public agencies that have laboratory facilities~~
25 ~~in place will result in an expansion of the services available, and~~
26 ~~is an important option for improving the ability to meet the~~
27 ~~growing demands placed on local public health laboratories.~~

28 ~~SEC. 2. Section 101037 is added to the Health and Safety~~
29 ~~Code, to read:~~

30 ~~101037. A county health officer may enter into, and sign a~~
31 ~~memorandum of understanding with, any other public agency~~
32 ~~that has responsibility for regulating water quality or wastewater~~
33 ~~treatment to obtain laboratory services relating to public health~~
34 ~~from that public agency.~~